

RESOLUTION NO. 2012-85

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE AMENDING RESOLUTION NO. 2011-53 SETTING
CHANGES REGARDING FORTH HOURS, WAGES AND WORKING
CONDITIONS FOR EMPLOYEES REPRESENTED BY THE
TORRANCE POLICE OFFICERS ASSOCIATION (TPOA)**

The City Council of the City of Torrance does hereby resolve as follows:

SECTION I

That Resolution No. 2011-53 is hereby amended.

SECTION II

The following agreement between representatives of Management and the representatives of the Torrance Police Officers Association (TPOA) is hereby amended as follows:

Effective December 4, 2012

MEMORANDUM OF UNDERSTANDING

**TORRANCE POLICE OFFICERS ASSOCIATION
(TPOA)**

2011 – 2013

SUPPLEMENTAL #2

**A SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING SETTING FORTH THE HOURS,
WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE
POLICE OFFICERS ASSOCIATION (TPOA)**

An agreement of the undersigned representatives of the Torrance Police Officers Association (TPOA) and the representatives of the City of Torrance (City) that:

The attached Resolution is recommended to the City Council for adoption in its entirety. It covers wages, hours and working conditions effective December 4, 2012 and was reached through agreement of the undersigned parties.

Signed this 28th day of November, 2012.

Management

/s/ Aram Chaparyan

TPOA

/s/ Chuong Vo

/s/ Steve Fletcher

ARTICLE 13 – AMENDMENTS

SECTION 13.2 AMENDMENT TO SECTION 5.1 – OVERTIME COMPENSATION

ARTICLE 5 – OVERTIME COMPENSATION

MODIFY

SECTION 5.1 OVERTIME COMPENSATION

A) Employees covered by this Agreement shall be compensated by pay at the rate of 1½ times the employee's regular hourly rate, based on a 40 hour work week schedule, for hours worked in excess of a regularly scheduled watch, or on a regularly scheduled day off. However, the parties agree that notwithstanding that the provision of overtime exceeds the law, the City has adopted the FLSA's Section 7(k) work period of 28 days. The adoption of Section 7(k) does not change the City's agreement to pay overtime in excess of the FLSA.

- 1) Overtime shall be computed for actual time worked except as specified in Subsections 2 and 3.
- 2) An employee called out for emergency work, meetings, Internal Affairs interviews and other internal departmental activities shall be compensated at the regular overtime rate for a minimum of two (2) hours.
- 3) An employee required to appear in court, or placed on call at the station in the performance of his/her duties shall be compensated at the regular overtime rate for a minimum of three hours or for the actual time spent in court inclusive of the court's lunch break if required to report back to court following lunch. If on-duty hours are contiguous to this three (3) hour minimum, the employee shall be compensated for actual hours spent in court.
- 4) An employee placed on call at home for a court appearance shall be compensated at straight time on an hour for hour basis (exclusive of one hour scheduled for lunch for full day scheduling).
- 5) TSL - Any employee who has volunteered for TSL (Team Staffing Level) shall be required to report for duty or be subject to disciplinary action. An employee may be required to work overtime if no employees volunteer regarding maintenance of Team Staffing level or in case of an emergency.
- 6) Submitting Hours Worked: All employees are required to submit all time worked on their time sheet by their next shift after the end of the pay period so that all overtime worked in the pay period can be compensated by the pay day following the end of the pay period. The parties to this agreement are committed to ensuring that all employees in the department get paid for every hour they worked in the pay period.
- 7) Deferred Income: An employee may select to defer overtime payment into the 457 plan by submitting the appropriate payroll forms subject to the provisions established in City Resolution No. 74-120 and its amendments.

- 8) Disciplinary Suspension: Employees on disciplinary suspension who are subpoenaed to court shall be compensated on an hour for hour basis at straight time with no minimum.

B) Compensatory Time Off

- 2) An employee wishing to use any accrued CTO (either a full or partial shift) must provide the Department with reasonable notice. An employee must provide notice no later than 48 hours and no earlier than two weeks prior to the effected deployment period. A maximum of four CTO days may be requested during a particular week. If such notice is provided, the CTO will be granted unless to do so would be unduly disruptive to the department. If less than 48 hours notice is given, the employee's supervisor may still grant the request, but such decision will be at the supervisor's discretion and not subject to challenge. Up to 60 hours of CTO may be used adjacent to or during a pre-scheduled vacation. In addition, CTO may not be requested during special deployments such as the Armed Forces Day Parade and 4th of July deployment, prescheduled department training day or during an unusual situation such as civil disorder. The impacted bureau commander will be the arbiter regarding what constitutes unduly disruptive or an unusual situation.

SECTION III SEVERABILITY

If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Introduced, approved and adopted this 4th day of December, 2012

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

by /s/ Patrick Q. Sullivan
Patrick Q. Sullivan, Assistant City Attorney

/s/ Frank Scotto
Mayor Frank Scotto
ATTEST:

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk

TORRANCE CITY COUNCIL RESOLUTION NO. 2012-85

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 4th day of December, 2012 by the following roll call vote:

AYES:	COUNCILMEMBERS	Barnett, Brewer, Furey, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS	None.
ABSTAIN:	COUNCILMEMBERS	None.
ABSENT:	COUNCILMEMBERS	Numark.

Date: December 21, 2012

/s/ Sue Herbers
Sue Herbers, CMC
City Clerk of the City of Torrance